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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,288	07/30/2001	Mark A. Kirkpatrick	BS01-083	7809

7590 07/14/2005

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EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/916,288

Applicant(s)

KIRKPATRICK ET AL.

Examiner

Jack P. Nguyen

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-41.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: attached detailed Action.

DETAILED ACTION

This action is in response to Applicant's response after Final filed on 6/28/05.

Response to Arguments

Applicant's arguments in the request for reconsideration filed on 6/28/05 have been fully considered but are not persuasive.

As to point 1: In the remarks, Applicant argues Sitaraman does not disclose or suggest the limitations of claim 1.

Examiner traverses the argument. In response to the applicant's argument, Sitaraman discloses an application server (22, fig. 1; target adapter server 'TAS' is an application server that performs the data manipulation service; TAS is now referred to as an application server) receives and performs data manipulation requests from client application system (16, fig. 1; source system is an example of a client application system; i.e., it is a client to the application server; other systems (e.g., target system (18, fig. 1) can also be a client to the application server as well); via its format converter (102, fig. 1) module, the system performs the data manipulation (conversion) service being requested; upon completion of the conversion service, the application server returns the translated data response in accordance to the data conversion request. Indeed, by performing the data conversion service, the system causes a change to the format of the data in accordance to the request (col. 8, lines 56-66; col. 10, lines 26-31; it is inherent that the application server has a storage device that stores the software

routines or functions that allows the server, via its software modules (e.g., data format converter), to perform its intended functions).

As to point 2: In the remarks, Applicant argues Sitaraman does not disclose or suggest, "...at no point does one system request manipulation and send the data to be manipulated with the request and then the manipulated data is returned to the system sent the request."

Examiner traverses the argument. In addressing the argument, the claimed limitations only state a client application server (now refer to as client) sending a data manipulation request to the application server and receiving a response from the server; however, the claim fails to distinctly point out any special particulars to what a client system should be. Furthermore, the claim only states the formatted data to be returned to the client, not to the 'same' client that is making the request as stated in the argument. For the purpose of examination, Examiner interprets the claim as broadly as allowable; i.e., any system that is being serviced by the application server is a client to the server. Interpreting this relationship, both the source (16, fig. 1) and target (18, fig. 1) systems are clients to the application server (22, fig. 1). Therefore, at minimum, Sitaraman teaches the claim limitations as they are presented in the current form.

Furthermore, even if the limitations are interpreted as the translated data to be returned to the same requesting client, such limitations are not new or novel in the art. For example, Courtney, US Pub 2003/0046370, discloses a network configuration system (160, fig. 3) that translates configuration data requests from a client system. In the disclosure, Courtney teaches a client (175, fig. 3; system administrator), acting on

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behalf of a network device (165, fig. 3), sends a data conversion (manipulation) request to the application server (160, fig. 3) for service (page 3, paragraph 0036). In response to the request, the application server, via its converter module (195, fig. 3; converter module performs data conversion or manipulation service in response to the request), converts or manipulates the request data and returns the converted data to the requesting client (e.g., system administrator) (page 3, paragraph 0039; the converter module converts the data from one format into another format and returns the response to the administrator; i.e., the administrator can see whether the data is valid or not through the GUI interface (190, fig. 3)).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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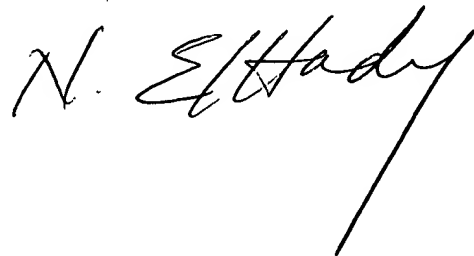
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "N. El-Hady", with a long diagonal stroke extending downwards and to the right.